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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,658	07/25/2003	Yukihiko Furumoto	826.1884	1396

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EXAMINER

HAJNIK, DANIEL F

ART UNIT	PAPER NUMBER
2628	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/626,658

Applicant(s)

FURUMOTO ET AL.

Examiner

Daniel F. Hajnik

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1, 4-6 and 9-12.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.


ULKA CHAUHAN
SUPPORTORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: All the arguments presented by the applicants have been fully considered.

Applicant argues "Gadh fails to disclose or suggest a feature corresponding to the interference avoiding unit recited in claim 1 of the present invention" (top of page 7 of remarks) and further argues "That is, the system of Gadh does not automatically generate instructions sequence to avoid the interference" (top of page 7 of remarks).

Gadh teaches of an interference avoiding unit by teaching of "While the constrained location and alignment commands provide a quick way to position shape elements, the bounding box-based intersection checks provide the ability to detect potential collisions between elements" (col 23, lines 52-55). Here, the ability to detect potential collisions between elements is the interference detection unit. Further, Gadh teaches and/or suggests automatic instruction generation to avoid interference by teaching of:

"Automatic geometric constraints such as this one could be relaxed, but are preferably provided to allow simplified editing operations" (col 20, lines 36-38).

"As will be discussed below, simple editing commands fully supported by D include positioning commands such as constrained location, alignment and bounding box-based intersection checks during geometry editing" (col 23, lines 48-52)

"While the constrained location and alignment commands provide a quick way to position shape elements, the bounding box-based intersection checks provide the ability to detect potential collisions between elements" (col 23, lines 52-56)

Here, the reference of Gadh teaches of the capability to use automatic geometric constraints during editing operations (which can be through generating instructions for example). The reference of Gadh also teaches of intersection checks during the editing operations. Thus, if the reference teaches of automatic constraint generating and intersection checking during editing operations, the reference of Gadh teaches and/or suggests the claimed limitation.

Applicant argues the following:

However, there is nothing in Conklin that discloses or suggests "a discontinuity detecting unit detecting an occurrence of discontinuous scenes, which is caused by executing the eye point operation instruction or the object operation instruction" and "a complementary instruction generating unit generating an object operation instruction or an eye point operation instruction to generate a scene which complements between the discontinuous scenes, if the occurrence of the discontinuous scenes is detected by said discontinuity detecting unit."

(towards middle of page 7 of remarks).

In regards to the above argument, the reference of Conklin teaches the claimed limitations by teaching of:

* in figure 5, step 504: "Acceptable to Generate Intermediate Frame(s)?" where intermediate frames are generated when there is discontinuity.

* in figure 5, step 506: "Generate Intermediate Frame(s)" where the intermediate frames are complements to the discontinuous scenes.

Applicant further argues the following:

Further, it is noted that Conklin checks the difference between two already existing frames. By contrast, for example, the discontinuity detecting unit of the present invention determines whether or not a discontinuous scene will be caused by executing an instruction (see claim 1). In other words, the present invention determines whether a scene occurring in the future will be discontinuous to the current scene or not.

(towards bottom of pg. 7 of remarks)

Applicant further argues the following:

Also, according to Conklin, the interpolation between frames is not performed when there is a great difference between the two frames (that is, when they are "discontinuous"). This is opposite to the operation of the claimed complementary instruction generating unit. The Examiner seems to have misunderstood this feature by merely looking at steps 504 and 506 in the flowchart (FIG. 5 of Conklin) showing an outline (see the citation starting at line 4, page 5 of the Office Action).

(towards bottom of pg. 7 of remarks)

However, the examiner maintains that the prior art rejection using Conklin is proper because there is still discontinuity present between the frames that are interpolated in Conklin, otherwise, no interpolation would be necessary. The applicant appears to be arguing limitations such as, the amount of discontinuity of frames, and appears to be arguing limitations such as, whether the frames occurred in the future, which are not explicitly claimed. These aspects may be present in the applicant's specification, however the prior art rejection is based upon how the invention is claimed.

Lastly, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the amount of discontinuity and the frames being scenes occurring in the future) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993)..

Continuation of 13. Other: The amendment is entered because the amendments to the claims appear to be for correcting language syntax issues and do not significantly change the scope of the claimed invention. Specifically, the amended claims are rejected under the same reasons and rationale as provided in the previous office action.